

30 April 2012

Jo Anne Kipps  
Fresno, CA

Ms. Anne Olson  
California Regional Water Quality Control Board  
11020 Sun Center Drive, #200  
Rancho Cordova, California 95670-6114

**TENTATIVE WASTE DISCHARGE REQUIREMENTS ORDER FOR PRIMA BELLA PRODUCE, INC. AND MARK BACCHETTI, PRIMA BELLA FOOD PROCESSING FACILITY, SAN JOAQUIN COUNTY**

This letter transmits my comments on the subject Tentative Order. I am a resident of Fresno County and a California registered civil engineer with expertise in evaluating the effects to soil and groundwater from discharges of food processing and winery wastewater to land for treatment and disposal. I gained this expertise during the 11 years that I worked as a Senior Water Resources Control Engineer in the Fresno Office of the Central Valley Water Board.

Finding 1 identifies the receipt dates of documents comprising a Report of Waste Discharge (RWD) submitted by Prima Bella Produce, Inc. and Mark Bacchetti (Discharger). Findings elsewhere in the Tentative Order refer to the RWD (Findings 27, 40.a, and 53). Finding 47 summarizes the findings of an analysis of the discharge for consistency with State Water Resources Control Board Resolution 68-16 (the Antidegradation Policy). The Tentative Order does not state who was responsible for conducting this analysis. While Resolution 68-16 does not specify who is required to complete the antidegradation analysis, the responsible party is specified in *The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition*.

Pursuant to [Resolution 68-16], a Report of Waste Discharge, or any other similar technical report required by the Board pursuant to Water Code Section 13267, must include information regarding the nature and extent of the discharge and the potential for the discharge to affect surface or ground water quality in the region. This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives. The extent of information necessary will depend on the specific conditions of the discharge. For example, use of best professional judgment and limited available information may be sufficient to determine that ground or surface water will not be degraded. In addition, the discharger must identify treatment or control measures to be taken to minimize or prevent water quality degradation. [Page IV-16.00].

In accordance with Basin Plan requirements, dischargers must bear the burden of conducting the antidegradation analysis, not staff employed in the Board's core regulatory programs, which are chronically underfunded and understaffed. In general, tentative waste discharge requirements orders that contain findings describing a discharger's Report of Waste Discharge should identify whether it contains an antidegradation analysis. By extension, tentative orders that contain findings summarizing the results of an antidegradation analysis should identify the persons

responsible for conducting the analysis. If this recommendation were implemented, Board members (and the public) would be able to readily identify which dischargers are compliant with Basin Plan requirements regarding the submittal of an antidegradation analysis with a Report of Waste Discharge and which discharger are not and, as a result, unfairly consume Board resources by putting the onus on Board staff for conducting the analysis. **Recommendation 1: Revise Finding 46 to identify who performed the antidegradation analysis that is summarized in this finding.**

Finding 29.d indicates that a 2007 investigation determined shallow groundwater existing approximately 6-7 feet below ground surface. Finding 36 states that the Facility's domestic waste (from the Facility's 160 employees) is discharged to a septic tank and leachfield system regulated by the San Joaquin County Department of Public Health. Due to the apparent shallow groundwater conditions at the discharge site, the Tentative Order should include a finding indicating that the Central Valley Water Board has evaluated the Facility's domestic waste discharge system and finds it consistent with the Board's minimum requirements for such systems (as prescribed in the Basin Plan). **Recommendation 2: Revise Finding 36 to include information regarding the compliance of the Facility's domestic waste septic system with minimum Basin Plan requirements, particularly the requirement for a minimum five feet of vertical separation between the bottom of leachfield trenches and highest anticipated groundwater. If the Facility's domestic waste disposal system does not comply with minimum Basin Plan requirements, revise the Tentative Order to include a time schedule for achieving and maintaining compliance with these minimum requirements.**

Effluent Limitation C.1 prescribes numerical limits for three waste constituents: Biochemical Oxygen Demand (BOD), Fixed Dissolved Solids (FDS), and Nitrogen. The FDS limit applies to the FDS concentration in the effluent as it leaves the Facility. The limits identified for BOD and Nitrogen, in contrast, specify the maximum BOD and Nitrogen loadings to the land application area. As such, the numerical loading rates for BOD and for Nitrogen are not effluent limitations and should be moved to the Tentative Order's Land Application Area Specifications section. **Recommendation 3. Revise Effluent Limitation C.1 to apply only to effluent FDS, and move the loading limits for BOD and for Nitrogen (along with the mathematical formulas provided for loading rate determination) to the Land Application Area Specification section of the Tentative Order, or include information (e.g., in the Tentative Order's Information Sheet) explaining why Board staff propose to classify a discharge specification for a land application area constituent loading rate as an "effluent limitation."**

Discharge Specification B.7 requires sufficient dissolved oxygen (DO) be maintained in the upper zone of the Facility's wastewater treatment and storage pond to prevent objectionable odors from being perceivable from the Facility property boundary. The Tentative Order's Monitoring and Reporting Program requires DO monitoring of the Discharger's wastewater treatment and storage pond to be performed between 0700 and 0900 hours. Specifying this time period for pond DO monitoring, when pond DO levels are typically at their lowest, is essential for pond DO monitoring data to be meaningful for use in evaluating a discharger's compliance with a minimum pond DO limit. This limit, in turn, is a control measure to prevent the development of malodorous septic conditions in wastewater treatment and storage ponds.

Many recently-adopted waste discharge requirements orders that require pond DO monitoring do not specify the time period during which this monitoring is to be performed. I commend the staff responsible for preparing the Tentative Order for recommending the Board require pond DO monitoring to be performed when DO levels are anticipated to be at their lowest. I also hope that the Board members recognize the technical and regulatory importance of specifying the time interval for pond DO monitoring whenever it requires such monitoring.

I offer these recommendations in the hope that staff will revise the Tentative Order accordingly, or provide justification why staff believes the recommended changes are not warranted.

---



JO ANNE KIPPS  
RCE 49278